

FILED

June 11 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 10-0132

FILED

JUN 11 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ROBERT JAMES COOK,

Petitioner and Appellant,

v.

ORDER

DIANA McCLAMMY,

Respondent and Appellee.

M. R. App. P. 12(9) requires that whenever reference is made in the briefs to the record, the reference must be to particular parts of the record, suitably designated, and to specific pages of each part, e.g., Answer, p.7; Motion for Summary Judgment, p.3; Transcript, p. 231, and that a reference to an exhibit shall be made to the pages of the transcript on which the exhibit was identified, offered, and received or rejected.

Respondent's opening brief filed with this Court on June 9, 2010, does not comply with the referenced rule. Accordingly,

IT IS HEREBY ORDERED that the signed original and nine copies of Respondent's opening brief be returned to Respondent's counsel for revisions necessary to comply with the above-specified rule;

IT IS FURTHER ORDERED that, other than the changes necessary to comply with the rule listed above, no other changes, additions or deletions may be made to the brief as originally filed;

IT IS FURTHER ORDERED that the postage costs for returning the referenced copies of Respondent's brief will be billed to Respondent's counsel by the Clerk of the Supreme Court and shall be due and payable upon receipt; and

IT IS FURTHER ORDERED that the times for any subsequent briefing contained in M. R. App. P. 13 shall run from the date of refile of Respondent's brief being returned this

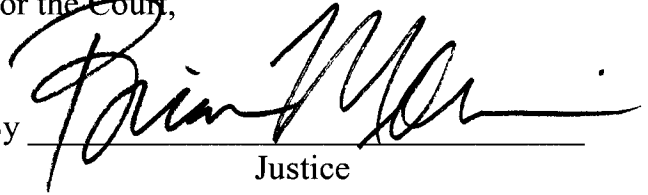
date.

The Clerk of this Court is directed to mail a copy of this Order to all counsel of record.

DATED this 11th day of June 2010.

For the Court,

By

A handwritten signature in black ink, appearing to read "Brian M. [unclear]", written over a horizontal line.

Justice